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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,450

Applicant(s)

BELLAMY, JOHN C.

Examiner

Vivek Srivastava

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15-28 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the computer" in line 13. There is insufficient antecedent basis for this limitation in the claim since a computer is not mentioned in the claim prior to line 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 – 13 and 15 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al (US 6,792,618).

Regarding claims 11, 18 and 24, Bendinelli discloses system method and article of manufacture include a computer 110 with a processor 112 (see fig 4) noting that the computer 110 inherently includes a video interface module which outputs a video window containing information signals (see col 2 lines 8 – 27) for video display to a user on television 108 (see fig 4). Bendinelli further discloses a set-top box 106 (see fig 4) or 'programmable box' coupled to the computer and video interface through a video window link. It is noted that since a video window is transmitted to the settop the link is a video window link. Set-top box 106 receives a plurality of video source signals from broadcast transmitter 102 (i.e. television channels) and also the video window output from the video interface module (inherently in computer 110 over the video window link, wherein the set-top box generates video images based on one of the channels and the video window output from the video interface module for display on television 106 (col 2 lines 9 – 27, col 6 lines 15 – 59). Bendinelli further displaying the video window together with the generated video images based on the plurality of video source signals received (col 2 lines 9 – 27, col 6 lines 15 – 59).

Although Bendinelli discloses a user passing commands to a computer via the settop to retrieve the additional video information, Bendinelli fails to discloses using remote control to pass the commands. The Examiner takes Official Notice it would have been well known the user of a wireless IR remote for sending commands would have been well known to provide a user with flexibility and convenience. Therefore, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to provide a user with flexibility and convenience.

Regarding claim 12, Bendinelli discloses a personal computer 110 (see fig 4 – computer 110 is for the user i.e. personal) and enhanced set-top box (106) separated from computer 110. As discussed above, the set-top box receives a plurality of video source signals from the broadcast video source and TV video display displays images based on selected ones of the plurality of video source signals received and the video window output from the video interface module.

Although Bendinelli depicts bidirectional transmission from the set-top box to the computer, Bendinelli fails to disclose a data link and video window link. The Examiner takes Official Notice utilizing two (2) links for communication between devices enables greater efficiency by providing separate links thereby increasing the bandwidth available for communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to increase system efficiency by increasing the bandwidth available for communication.

Regarding claim 13, Bendinelli discloses a TV 108 comprising a video display 122 (see fig 4) and a satellite and cable network (see col 3 lines 45 – 50), however, Bendinelli fails to disclose a TV set incorporating in its housing a set-top box. The Examiner takes Official Notice it would have been well known in the art to incorporate a set-top box into a television to reduce the number of components from two to one

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thereby providing a more compact system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to reduce the number of components to make the system more compact or portable.

Regarding claim 15, Bendinelli discloses a video communications link for communicating information from the set-top box to the computer including control commands (see above), a processor 112 in the computer for processing control commands for retrieving additional information, a telephone interface (a telephone line mode – see col 4 lines 6 – 10) and an interface coupled to the computer for receiving data from the external network and commands from the set-top box (see fig 4). Bendinelli fails to disclose the claimed remote control commands (see discussions above). Bendinelli further fails to disclose the claimed video communication link interface for transferring video information to the programmable box. The Examiner takes Official Notice utilizing two (2) links for communication between devices enables greater efficiency by providing separate links thereby increasing the bandwidth available for communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to increase system efficiency by increasing the bandwidth available for communication.

Claim 16 is met by the discussions above.

Claim 17 is met by the discussions above (see IR remote).

Regarding claim 19, Bendinelli discloses, as discussed above, receiving television signals for display on a television. Bendinelli further discloses generating displayable images in the form of television images based on a selected video source with a window displaying the additional information (see col 7 lines 35 – 40 and col 2 lines 9 – 27). It is noted that since the window is displayed over the television programming, the 'pop-up window' limitation is met.

Claim 20 is met by the discussion above.

Regarding claim 21, Bendinelli fails to disclose a TV set incorporating in its housing a set-top box. The Examiner takes Official Notice it would have been well known in the art to incorporate a set-top box into a television to reduce the number of components from two to one thereby providing a more compact system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to reduce the number of components to make the system more compact or portable.

Regarding claims 22 and 23, Bendinelli discloses the external networks 22 (fig 1) and 116 (fig 4) to communicate with an external server via telephone line modems and the internet and thus discloses transferring telephony signals over a telephone interface and (see col 4 lines 7 – 15).

The Examiner takes Official Notice utilizing two (2) links for communication between devices enables greater efficiency by providing separate links thereby increasing the bandwidth available for communication. Therefore, it would have been

obvious to include process remote control commands received through the data link interface and transfer video information over a video communications link interface to increase system efficiency by increasing the bandwidth available for communication.

Regarding claim 25, Bendinelli discloses multiplexing pixels representing video window and pixels representing a main digital video signal (see HDTV signal – col 3 lines 19 – 21). Bendinelli fails to disclose the claimed digitally multiplexing and to generate digital television signals.

The Examiner takes Official Notice digital multiplexing of pixels of two signals to generate a digital television signal for display is well known to provide a high quality higher definition signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to provide a higher quality higher definition signal.

Claim 26 is met by the discussions above.

Regarding claim 27, as discussed above, it would have been obvious to modify Bendinelli to include detection of remote control commands to control both the set-top box and computer. However, Bendinelli fails to disclose the claimed detection of remote control commands in the form of voice activated commands. The Examiner takes Official Notice the use of voice activated commands for hand-held devices is well known to provide an easier and more convenient means for conveying commands. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bendinelli to include the claimed limitation to provide a more easier and convenient means for issuing commands.

Regarding claim 28, Bendinelli discloses outputting from the PC a window (i.e. graphics), listing of program characteristics with statistical information (i.e. text) and display of information from web-pages in windows environment (PC applications) for display on the television (see col 2 lines 8 – 40, col 7 lines 35 – 55).

Allowable Subject Matter

Claim 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kikinis (5,929,849) – Integration of URL's with television

Schultheiss (6,208,384) – Providing information to a TV via a computer

Slezak (6,006,257) – Providing advertising according to demographics

Bum (6,285,685) – PC communication by using Settop

Fitzpatrick et al (5,262,860) – Capturing visually perceptible data in a signal

Smyk (5,696,815) – Delivering caller identification services

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Harrison (5,694,163) – Chat data incorporated in a program

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
2/5/05


VIVEK SRIVASTAVA
PRIMARY EXAMINER